Docket No.: 614.1747CD2C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yasushi SUGAYA, et al.

Serial No. 10/086,742 Group Art Unit: 3663

Confirmation No. 3699

Filed: March 4, 2002 Examiner: Hughes, Deandra M.

For: MULTI-WAVELENGTH LIGHT AMPLIFIER

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowability mailed March 21, 2007, included an Examiner's Statement of Reasons for Allowance (hereafter, the "Statement").

Please note that MPEP §1302.14 states, in part:

> Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

It is respectfully submitted that the Statement paraphrases claim language, and does not accurately quote the specific language of the various claims. For example, the Statement indicates:

> "the prior art does not teach or make obvious a multistage optical amplifier with an optical coupler for splitting a WDM optical signal into a monitor optical signal and a transmission signal prior to reception of said transmission signal into the first stage of the multistage optical amplifier in conjunction with the other features of the claims."

However, as an example, the language "prior to reception" in the Statement does not explicitly appear in the claims. Moreover, as an additional example, the Statement refers to "the first stage of the multistage optical amplifier". Some claims, such as claim 1, recite a "first-stage optical amplifier". However, not all the claims use this specific terminology.

In addition to the examples described above, there are other differences between the claim language and the language in the Statement.

Therefore, the Statement appears to paraphrase claim language. It is respectfully submitted that such paraphrasing is not proper.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's paraphrasing of the claims in the Statement.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 27, 2007

By: _____

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